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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

v.

PEAK ENGINEERING, INC., a California  
corporation;

Defendant.

Case No.: CV10-2303 JCS

**CASE MANAGEMENT CONFERENCE  
STATEMENT; ORDER THEREON**

**Date: September 3, 2010**  
**Time: 1:30 p.m.**  
**Ctroom: A, 15<sup>th</sup> Floor**  
**Hon. Joseph C. Spero**

Plaintiffs Laborers Trust Funds filed their Complaint For Damages for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, For Breach of Fiduciary Duty and For A Mandatory Injunction ("Complaint") against Defendant Peak Engineering, Inc. on May 26, 2010 seeking to recover employee fringe benefit contributions on behalf of Peak Engineering, Inc.'s covered employees. The Complaint was served on defendant Peak Engineering, Inc. on June 25, 2010.


Peak Engineering, Inc. failed to file a responsive pleading.

1 On August 27, 2010 Plaintiffs filed their Request for Clerk's Entry of Default. Plaintiffs  
2 intend to proceed via a motion for default judgment. Plaintiffs anticipate that the motion will be  
3 filed within the next 45 days.

4 Based on the above, Plaintiffs respectfully request that the Case Management  
5 Conference be continued for 45 days to allow sufficient time for the filing of a motion for  
6 default judgment.

7 DATED: August 27, 2010

8 BULLIVANT HOUSER BAILEY PC

9  
10 By   
11 Ronald L. Richman  
Susan J. Olson

12 Attorneys for Plaintiffs

13 **ORDER**

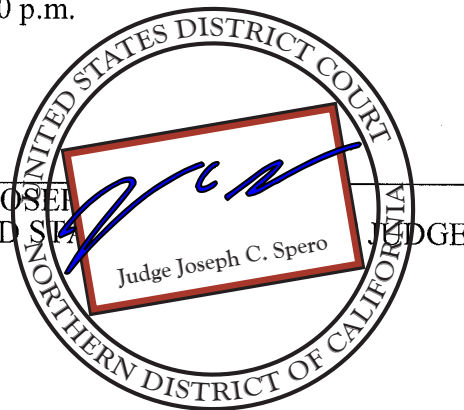
14 Pursuant to Plaintiffs' request and good cause appearing:

15 IT IS HEREBY ORDERED that the Case Management Conference be continued to  
16 October 22, 2010, Courtroom A, 15<sup>th</sup> Floor at 1:30 p.m.

17 DATED: August 30, 2010

18  
19 By

HON. JOSEPH C. SPERO  
UNITED STATES DISTRICT COURT



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